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CONCORD, N.H.

Admiral Miles R. Browning
State Director of Civil Defense
Highway Department Garage Building
Stickney Avenue
Concord, New Hampshire

Dear Admiral Browning:

You have inquired regarding an interpretation of the authority of the Civil Defense Director in the Town of Derry.

It is believed that chapter 304, Laws of 1949, clearly establishes the authority of a local Civil Defense Director and that further legislation in this regard is not necessary. Paragraph 1, section 2, chapter 304, Laws of 1949 sets forth broad powers in defining civil defense, including the organization of "fire fighting services". Section 7, chapter 304, Laws of 1949 states in part "each local organization for civil defense shall perform civil defense functions within the territorial limits of the political subdivision within which it is organized . . .". Thus, even if the Fire Department of the Town of Derry is divided into three different departments, Derry, Derry Village and East Derry, and is administered as a separate department within the Town of Derry, nevertheless this fire department is within the territorial limits of the Town of Derry and is, therefore, subject to the jurisdictional powers conferred upon the local Civil Defense Director by chapter 304, Laws of 1949.

Moreover, your attention is invited to the statutory mandate of section 11, chapter 304 of the Laws of 1949, compelling, among other things, that in carrying out the provisions of the Civil Defense Act "the governor and the executive officers or city councils or selectmen of the political subdivisions of the state shall utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the state and of the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the civil defense organizations of the state upon request." On December 29, 1950 the Governor directed such cooperation in the following words: "I therefore, in accordance with the terms and intention of the Civil Defense Act of 1949, call upon every agency of the state, upon the cities and the towns, to cooperate and assist to the maximum extent practi-

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entire with the services and facilities of civil defense, which have been established throughout the state under the leadership of Admiral Miles R. Browning." After public implementation by the Governor pursuant to chapter 304, Laws of 1949, any failure on the part of local authorities to cooperate to the maximum extent practicable constitutes direct violation of this law and suggests such authorities to appropriate legal sanctions.

It would seem evident that the State Civil Defense Director will support his local directors who issue orders requesting cooperation under the powers conferred by chapter 304, Laws of 1949.

Very truly yours,

Gordon H. Tiffany
Attorney General